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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Paul J. Claussen

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EXAMINER

SAWAGED, SARI S

ART UNIT

PAPER NUMBER

2623

NOTIFICATION DATE

DELIVERY MODE

07/23/2008

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PTOmail@sciatl.com

<b>Office Action Summary</b>	<b>Application No.</b> 10/676,968	<b>Applicant(s)</b> CLAUSSEN ET AL.	
	<b>Examiner</b> SARI SAWAGED	<b>Art Unit</b> 2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 27 March 2008.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### *Response to Arguments*

1. Applicant's arguments with respect to claims 1-16 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. **Claims 1, 2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Calderone (US 6,588,017) in view of McCorkle (US 2003/0174048).**

#### **Claims 1, 9:**

Calderone teaches a system for distributing program services by transmitting said program services in the form of a plurality of receiving services in the form of a plurality of audio/video signals (see the Abstract) from a head-end (see Fig. 5, label 302) to a plurality of receiving devices (see Fig. 5, labels 102 and 104), the system comprising:

A primary device (see Fig. 5, label 102) including a plurality of tuners (col. 4, ll. 20-30) for receiving and distributing the plurality of audio/video signals from the

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head-end facility (col. 2, ll. 28-36), and including a wireless accessory for wireless communication with the at least one remote device to distribute said audio/video signals (col. 10, ll. 1-3). A wireless accessory is inherent to transmit in order to transmit wirelessly over the 900 MHZ frequency.

Calderone teaches a primary device but fails to teach the primary device determines a distance between the primary devices and each remote device via the wireless accessory, and facilitates disablement of said program services to each remote device with said determined distance from said primary device exceeding a predetermined distance.

McCorkle teaches a primary device (fig. 4, label 405) determines a distance (fig. 8, label 803, disclosed as "D") between the primary devices and each remote device (fig. 4, labels 4101,2,n) via a UWB transceiver (fig. 2 and col. 1, ll. 29-39), and facilitates disablement of communications (fig. 8, label 805) to each remote device with said determined distance from said primary device exceeding a predetermined distance (fig. 8, label 801, disclosed as "r").

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the primary device in Calderone by determining a distance of each remote device, and the primary device facilitates disablement of said programming services to each remote device with said determined distance from said primary device exceeding a predetermined distance as taught

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McCorkle in order to enable communications between a primary device and local devices in a predefined authentication range (see McCorkle col. 13, ll.1-3)

**Claims 2, 10:**

Calderone and McCorkle disclose the system of claim 1.

McCorkle discloses that when the primary device (fig. 4, label 405) determines the distance (fig. 8, label 803, disclosed as “D”) of a remote device (fig. 4, label 410) to be outside of the predetermined distance (fig. 8, label 801, disclosed as “r”), the corresponding remote device discontinues receiving signals (fig. 8, label 805).

**Claims 8, 16:**

Calderone and McCorkle disclose the system of claim 1.

McCorkle discloses wherein the primary device (fig. 4, label 405) determines the distance by using ultra wide band (UWB) communications (see the Abstract) with the at least one remote device (fig. 4, label 410).

**4. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Calderone in view of McCorkle in further view of Jones (US 7,039,169).**

**Claims 3, 11:**

Calderone and McCorkle disclose the system of claim 1.

Neither Calderone nor McCorkle disclose wherein the primary device receives a proximity detection request from the head-end facility, and, in response, the primary device transmits a signal indicating the presence or absence of the at least one remote device within the predetermined distance.

Jones, an inventor from the same or a similar field, discloses a system comprised of a head-end (fig. 1, label 102), a primary device (col. 8, ll. 14-15, “master one of the IRDs”), and a plurality of remote devices (col. 8, ll. 16, “slave IRDs”), wherein the head-end sends an authentication request (col. 7, ll. 41 to col. 8, ll.1) to the primary device to authenticate a plurality of remote devices (col. 8, ll.14-38). The primary device transmits a signal indicating the authentication status of the remote devices (col. 5, ll.34-37).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the primary device of Calderone and McCorkle to receives a proximity detection request from the head-end facility, and, in response, the primary device transmits a signal indicating the presence or absence of the remote devices within the predetermined distance because it

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would have allowed the head end to monitor the usage of the IRDs for billing purposes as disclosed by Jones (col. 4, ll. 58-60).

**5. Claims 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Calderone in view of McCorkle in further view of Jones in even further view of Jacobs (WO 02/07378 A1).**

**Claims 4, 5, 12, 13:**

Calderone, McCorkle, and Jones disclose the system of claim 3.

McCorkle discloses when the primary device determines the distance to be outside of the predetermined distance, the corresponding remote device discontinues receiving signals (as disclosed in the rejection of claim 1).

However, Neither Calderone nor McCorkle nor Jones disclose that the head-end facility discontinues program services to the at least one remote device.

Jacobs, an inventor from the same or a similar field, discloses that a head-end facility (fig. 2, label 4) can send commands (page 12) contained in EMMs sent to a set top box (page 8) that include instructions to “deactivate a subscriber” or “delete an entitlement” which reads on the “discontinue program services” claimed by the applicant. The head-end can also stop sending encryption keys (meets “no longer transmitting signals” claimed by the applicant) to the at least

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one remote device in order to prevent the at least one remote device from decrypting program services (see page 2).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have the head-end facility of Calderone, McCorkle, and Jones discontinues program services, as taught by Jacobs, to the at least one remote device outside of the predetermined distance because it would have provided a more secure method of disabling a remote device as opposed to having the primary device disabling the remote device.

**6. Claims 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Calderone in view of McCorkle in further view of Bero et al. (hereinafter referred to as Bero) (US 2003/0063003).**

**Claims 6, 7, 14, 15:**

Calderone and McCorkle disclose the system of claim 1.

Neither Calderone nor McCorkle disclose wherein the primary device includes a set-up procedure that includes detecting and storing the distance between the primary device and the at least one remote device, wherein the detected distance becomes the predetermined distance.



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Bero, an inventor from the same or a similar field, teaches a primary device set up procedure where a primary device detects and stores the distance between the primary device and at least one remote device by measuring received signal strength. This detected distance becomes the predetermined distance (paragraph 0024).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the primary device of Calderone and McCorkle to detect/store/and set the predetermined distance of the at least one remote device as disclosed by Bero in order to provide a very compact and cost effective way of performing proximity detection and monitoring (see Bero paragraph 0013).

### ***Conclusion***

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SARI SAWAGED whose telephone number is (571)270-5085. The examiner can normally be reached on Mon-Thurs, 9:00AM-5:00PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, ANDREW KOENIG can be reached on (571) 272-7296. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Sari Sawaged/  
Examiner, Art Unit 2623

/Andrew Y Koenig/  
Supervisory Patent Examiner, Art Unit 2623